

Revised 03/06 WDNY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**



**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)**

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.*

DAVID P. ALAN

-VS-

B. Full Name(s) of Defendant(s) NOTE: *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.*

- | | |
|---|------------------------------------|
| 1. <u>IRS</u> | 4. <u>CHIEF OF MY IRS/CID RAID</u> |
| 2. <u>U.S. ATTY. DAVID J. HICKTON</u> | 5. _____ |
| 3. <u>ASSIST. U.S. ATTY. PAUL E. HULL</u>
<u>ALL UN-NAMED IRS/CID EMPLOYEES AT</u>
<u>MY IRS/CID RAID</u> | 6. _____ |

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

*All of these sections **MUST** be answered*

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: ALL THE PARTIES RESIDE IN DIFFERENT STATES,
DIVERSITY OF JURISDICTION

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: PLAINTIFF RESIDES IN THE 17 WESTERNMOST
COUNTIES OF N.Y. STATE

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: CIVIL RIGHTS VIOLATIONS, PERSONAL INJURIES, LOSS OF INCOME (PERSONAL
PROPERTY TORT CLAIM), THEFT BY DECEIT, ILLEGAL IMPRISONMENT

3. PARTIES TO THIS ACTION**PLAINTIFF'S INFORMATION NOTE:** To list additional plaintiffs, use this format on another sheet of paper.Name of First Plaintiff: DAVID P. ALANPresent Address: 219 TALMAN LN.FAIRPORT, NY. 14450Name of Second Plaintiff: NA

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.Name of First Defendant: IRS

Official Position of Defendant (if relevant): _____

Address of Defendant: 1000 LIBERTY AVE.PITTSBURGH, PA. 15222Name of Second Defendant: U.S. ATTY. DAVID J. HICKTON AND ASSIT. U.S. ATTY. PAUL E. HULL

Official Position of Defendant (if relevant): _____

Address of Defendant: 1000 LIBERTY AVE.PITTSBURGH, PA. 15222Name of Third Defendant: ALL UN-NAMED IRS/CID EMPLOYEES AT MY IRS/CID RAID, INCLUDINGOfficial Position of Defendant (if relevant): CHIEF OF MY IRS/CID RAIDAddress of Defendant: 1000 LIBERTY AVE.PITTSBURGH, PA. 15222**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): DAVID P. ALAN

Defendant(s): FEDERAL BUREAU OF PRISONS, ET AL.

2. Court (if federal court, name the district; if state court, name the county): U.S. DISTRICT COURT
WESTERN DISTRICT OF N.Y.
3. Docket or Index Number: 23-CV-6702-EAW CONSENT
4. Name of Judge to whom case was assigned: ELIZABETH WOLFORD
5. The approximate date the action was filed: 12/2023
6. What was the disposition of the case?

Is it still pending? Yes ☒ No ☐

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

☐ Dismissed (check the statement which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) UNKNOWN DATE AT THIS TIME (SUMMER 2009?),
 defendant (give the name and (if relevant) the position held of each defendant involved in this incident) IRS,
IRS/CID UN-NAMED EMPLOYEES, U.S. ATTY. DAVID J. HICKTON, ASSIST. U.S. ATTY
PAUL E. HULL AND UN-NAMED CHIEF IRS/CID RAID

did the following to me (briefly state what each defendant named above did): PLAINTIFF'S CIVIL RIGHTS
UNREASONABLE
WERE VIOLATED WHEN A SEARCH AND SEIZURE OCCURRED DURING AN IRS/CID
RAID ON HIS HOME AND QUESTIONING OCCURRED WITHOUT HAVING HIS MIRANDA
RIGHTS READ (4TH AMMENDMENT). PLAINTIFF'S RIGHT TO A FAIR TRIAL (6TH
AMMENDMENT) WAS VIOLATED WHEN THE GRAND JURY HEARING WAS CONSUMMATED
WITHOUT DAVID P. ALAN OR HIS ATTY PRESENT. PLAINTIFF'S RIGHT TO BE
TREATED WITH DIGNITY, ^{COMPASSION,} AND FAIRNESS DURING THE IRS/CID RAID WAS VIOLATED
(9TH AMMENDMENT)

The federal basis for this claim is: AMMENDMENTS TO THE CONSTITUTION OF THE U.S.

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

AWARD THE PLAINTIFF DAMAGES FOR THE DEFENDANTS ACTIONS AND ATTY,
FEEES AND PUNITIVE DAMAGES

B. SECOND CLAIM: On (date of the incident) EXACT DATE
UNKNOWN AT THIS TIME (SUMMER OF 2009?)
 defendant (give the name and (if relevant) position held of each defendant involved in this incident) IRS, IRS/CID
EMPLOYEES AND CHIEF OF EMPLOYEES

did the following to me (briefly state what each defendant named above did): CAUSED THE PLAINTIFF
PERSONAL INJURIES OF MENTAL ABUSE, ANGUISH AND DISTRESS, AND LOSS OF
REPUTATION DURING A 2009? IRS/CID RAID

The federal basis for this claim is: PERSONAL INJURY AT THE HANDS OF FEDERAL EMPLOYEES

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

AWARD THE PLAINTIFF DAMAGES FOR THE DEFENDANTS ACTIONS AND PUNITIVE
DAMAGES, AND ATTY. FEEES

If you have additional claims, use the above format to set them out on additional sheets of paper.

THIRD CLAIM - DATES: 2012 - 2035. PLAINTIFF SUFFERED LOSS OF
HIS USUAL AND CUSTOMARY INCOME AS A RESULT OF HIS
WRONGFULL IMPRISONMENT.

THE FEDERAL BASIS FOR THIS CLAIM IS MONETARY DAMAGES
AS A RESULT OF ILLEGAL IMPRISONMENT.

WHAT I WANT THE COURT TO DO FOR ME: AWARD ME LOSS
OF INCOME DAMAGES, INTEREST, AND PUNITIVE DAMAGES AND
ATTY. FEES

THEFT BY DECIET,
FOURTH CLAIM - FAILURE TO INCLUDE ALL THE EVIDENCE IN MY
GRAND JURY TRIAL, SPECIFICALLY MY COMPLETED
1120F'S FOR ALL TAX YEARS FOUND GUILTY OF
TAX EVASION.

AWARD ME LOSS OF INCOME, ALL ATTY FEES,
ASSESED TAXES, FINES AND PENALTIES, INTEREST
RESTORE MY REPUTATION BY EXPUNGING MY CRIMINAL
RECORD OF TAX EVASION,

FIFTH CLAIM - ILLEGAL IMPRISONMENT

AWARD ME LOSS OF INCOME, ALL ATTY. FEES,
ASSESED TAXES, FINES AND PENALTIES, INTEREST.
RESTORE MY RUPUTATION BY EXPUNGING MY
CRIMINAL RECORD OF TAX EVASION.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

1ST CLAIM - \$1M FOR VIOLATION OF 4th AMMENDMENT, \$1M FOR VIOLATION OF 6th AMMENDMENT, \$1M FOR VIOLATION OF 9th AMMENDMENT = \$3M TOTAL

2ND CLAIM - \$1M FOR MENTAL ABUSE, \$1M FOR MENTAL DISTRESS/ANGUISH, \$1M FOR LOSS OF REPUTATION, \$1M PUNITIVE DAMAGES = \$4M

3RD CLAIM - LOSS OF INCOME FOR 23 YRS. AT \$50K/YR, AND INTEREST OF 10% ANNUALLY AND PUNITIVE DAMAGES OF \$1M = \$7.325M

Do you want a jury trial? Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/1/23 1/27/24
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

D.P. Rem

Signature(s) of Plaintiff(s)

4th CLAIM - LOSS OF INCOME FOR 23 YRS. AND INTEREST - \$6.325M
OLD ATTY. & CPA FEES OF APPROX. \$300K
PUNITIVE DAMAGES OF \$1M TOTAL = \$7.625M
NEW ATTY. FEES TO BE DECIDED

5th CLAIM - LOSS OF INCOME FOR 23 YRS. AND INTEREST - \$6.325M
OLD ATTY. & CPA FEES OF APPROX. \$300K
PUNITIVE DAMAGES OF \$1M TOTAL = \$7.625M

GRAND TOTAL FOR ALL FIVE CLAIMS = \$29.575M